

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

MARGARET E. KELLY, et al.,

Plaintiffs,

v.

THE JOHNS HOPKINS UNIVERSITY,

Defendant.

No. 1:16-cv-2835-GLR

**PLAINTIFFS' UNOPPOSED MOTION FOR CERTIFICATION OF SETTLEMENT
CLASS AND MOTION FOR APPOINTMENT OF SCHLICHTER, BOGARD &
DENTON, LLP AS CLASS COUNSEL**

Under Federal Rule of Civil Procedure 23, Plaintiffs respectfully request that this Court certify a class for settlement purposes only under Rule 23(b)(1). Defendant does not oppose the relief requested herein.

On August 11, 2016, Plaintiffs Margaret E. Kelley, Katrina Allen, Jeremiah M. Daley, Jr., Treva N. Boney, Tracy L. McCracken, Jerrell Baker, Lourdes Cordero, and Francine Lampros-Klein, individually as representatives of a class of participants and beneficiaries of The Johns Hopkins University 403(b) Plan, filed their complaint. Doc. 1; *see also* Doc. 27 (amended complaint). Plaintiffs brought this action under 29 U.S.C. §1132(a)(2) alleging that Defendant The Johns Hopkins University breached its fiduciary duties and committed prohibited transactions under the Employee Retirement Income Security Act of 1974 by causing the Plan to pay unreasonable recordkeeping and administrative fees and maintaining high-cost and underperforming investment options. Plaintiffs seek to recover all losses to the Plan resulting from each breach of duty under 29 U.S.C. §1109(a) and for other equitable and remedial relief.

After almost three years of litigation and after extensive settlement negotiations, the parties entered into a Settlement Agreement. Plaintiffs have requested that the Court preliminarily

approve the settlement. As a term of the Settlement Agreement, the Settlement Class is defined as:

All persons who participated in the Plan at any time during the Class Period, including any Beneficiary of a deceased person who participated in the Plan at any time during the Class Period, and any Alternate Payee of a person subject to a Qualified Domestic Relations Order who participated in the Plan at any time during the Class Period.

The Class Period is from August 11, 2010 through June 30, 2019. *See* Settlement Agreement, §§2.12, 2.41.

As set forth in the accompanying memorandum, the proposed Settlement Class meets the requirements of Rules 23(a) and 23(b)(1). The named plaintiffs and Plaintiffs' counsel also meet the requirements for appointment as class representatives and class counsel. The proposed order granting certification of the settlement class is contained within the Proposed Order Granting Motion for Certification of Settlement Class and Motion for Preliminary Approval of Class Action Settlement.

Plaintiffs respectfully request that the Court certify the proposed Settlement Class for settlement purposes only.

August 6, 2019

Respectfully submitted,

/s/

SCHLICHTER BOGARD & DENTON LLP

Jerome J. Schlichter (pro hac vice)

Michael A. Wolff (pro hac vice)

Kurt C. Struckhoff (pro hac vice)

100 South Fourth Street, Suite 1200

St. Louis, MO 63102

Phone: (314) 621-6115

Fax: (314) 621-5934

jschlichter@uselaws.com

mwolff@uselaws.com

kstruckhoff@uselaws.com

and

Gregory P. Care, Bar No. 29040

BROWN, GOLDSTEIN & LEVY, LLP

120 E. Baltimore Street, Suite 1700

Baltimore, Maryland 21202

Telephone: (410) 962-1030

Fax: (410) 385-0869

gpc@browngold.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2019, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the attorneys of record.

/s/